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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,754	10/22/2001	Mark Lucovsky	13678.198.2	4887
7590	01/31/2005			EXAMINER VU, VIET DUY
WORKMAN, NYDEGGER & SEELEY 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/003,754	LUCOVSKY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Viet Vu	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 October 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-88 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-88 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/22/01; 10/29/02.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**Non-Art Rejections:**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13-20 and 67-88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, line 5, "..may be identified using at least the identification...", the term "may" renders the claims indefinite because it is uncertain whether that particular limitation is required by the claim.

The same indefiniteness above can also be found in claims 67-68, 72-73, 78-79 and 83-84.

**Art Rejections:**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

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matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-12, 21-67, 69-72, 74-78, 80-83 and 85-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al, U.S. pat. No. 6,553,427.

Per claims 1-2, Chang discloses a data structure for storing data objects to be used by a plurality of network services comprising:

- a) one or more data fields that identify an identity whose data object is desired to be operated upon (see col 9, lines 12-13);
- b) one or more data fields that identify an address of a service that manages data objects for a plurality of identities including the identity whose data object is desired to be operated upon, at least some of the data objects being organized in according with a data type schema (i.e., protocol) (col 17, lines 2-20);

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- c) one or more data fields that identify the operation (e.g., method) to be performed on the particular data object (col 10, lines 12-20),
- d) wherein a particular data object that is desired to be operated upon may be identified using at least the identification of the identity and the identification of the predetermined data type schema (see col 21, lines 50-61).

Chang also suggests implementing the invention with other data type schema (see col 21, lines 62-67 and col 22, lines 7-45). Chang does not explicitly teach providing one or more data fields to identify a specific data type schema. An official notice is taken that the use of an identifier to identify a specific data type schema is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such a data type schema identifier in Chang because it would have enabled the system to identify specific data protocol at a server that is capable of supporting different data protocols.

Per claim 3, Chang teaches using serverID to identify a response address and to correlate a response to the request (see col 21, lines 55-61).

Per claims 4-6, Chang teaches using header file to identify transport protocol used to transmit the request (see col 17, lines 48-58).

Per claim 7, Chang also teaches providing a field (INAP\_ID) that identifies a message identifier (see fig. 8).

Per claim 8, Chang further teaches that the transport protocol is not limited to a request/response sequence (see col 5, lines 59-62).

Per claims 9-12, Chang teaches implementing the invention with any data protocols (see col 21, lines 62-67 and col 22, lines 7-45).

Per claims 21-41, it is noted that Chang's teachings encompass claim limitations as discussed above.

Per claims 42-66, it would have been further obvious to one skilled in the art to recognize that Chang's teachings are applicable to any specific type of data and/or applications.

Per claims 67, 69-72, 74-78, 80-83, and 85-88, it would have been obvious to one skilled in the art to realize the use of computer program instructions to generate and/or handle data objects that have specific data fields as discussed above in practicing Chang's invention (see col 21, lines 38-61).

6. Claims 19-20, 68, 73, 79 and 84 are not rejected on art.

**Conclusion:**

7. The references cited by the examiner on PTO-892 but not relied upon are considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

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1/27/05